

# The Relationship between Dewey's Moral Contextualism and Kant's Deontological Ethics in Abortion

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## Abstract

**Introduction:** Abortion is related to local ethics and is one of the situations in which all conditions and cases should be taken into account. In this article, by examining John Dewey's opinions about Kant's contextualism and deontology, the issue of conflicts and moral duties in abortion was investigated.

**Material and Methods:** The research method is the logical analysis. Books and articles in this domain were taken into consideration.

**Conclusions:** It seems that based on Kant's duty approach, it is not possible to provide a general rule for abortion, and this depends entirely on whether we accept the fetus as a person whose criterion is reasoning, feeling and receiving experience or not. But according to the analysis that Dewey's contextualism claims, if a general rule can be used to make the right decision for a person that results in the most virtue and action, then the general rule is also one of the conditions and environment that the person has in the issue (abortion) deals with it and makes a moral decision based on them. From Dewey's viewpoint, if our non-abortion is a valid reason that can be followed and we are born, we should not end any pregnancy. That is, if the fetus produces the truth that can be followed by surviving, then abortion is immoral. Therefore, in general, the duties towards the mother and the fetus are different in terms and contexts, but the duties that man has towards himself and the principle of humanity give him general principles for action.

**Keywords:** *Abortion, Moral conflicts, Contextualism, Deontology*

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## INTRODUCTION

Abortion is one of the important issues in the field of practical ethics, and there are many opinions and disputes in the field of ethics. In this research, based on the importance of this topic, two ethical theories are used to analyze the situation: Dewey's theory of contextualism, which has a partial attitude based on specific situations about moral issues, and Kant's theory of deontology, which has a general and absolute attitude to situations. In deontological ethics, Kant emphasizes the two principles of absoluteness and generalizability. Abortion is one of the issues related to casuistry ethics. Casuistry ethics means ethical guidance that deals with preparing a long list of specific situations, describing them and what to do in each case [1]. The issue of abortion is one of the most difficult moral issues [2] which has been a place of moral controversy since more than two thousand years ago [3]. Today, abortion is defined by the World Health Organization (WHO) as "spontaneous or intentional termination of pregnancy from the first day of menstruation to the 20<sup>th</sup> week" [4].

Today, there are various approaches to the ethical analysis of abortion, the most important of which are the conservative, liberal, moderate and feministic approaches. The conservative approach was dominant in the West until the 50s, and was supported by the church. In this approach, abortion was considered as killing an innocent human being, which was completely immoral and unacceptable. In this view, a fetus was considered a complete human being, and the same right that exists for the mother also exists for the fetus (even a day old), of course, in this view, if the mother's life is in serious danger and there is no other way to save her than this action, abortion is allowed [5]. In the libertarian approach, the issue of the right to choose has been taken into account and they see no reason why it is immoral, and a woman is free to have an abortion at any time and for any reason, and even laws should not prevent it. In this view, abortion is a private matter and a personal issue. In this view, the human embryo is not real because human has two meanings that must be distinguished

from each other. One is a biological human being and the other is a human belonging to a moral society, and abortion advocates have confused these two definitions. Humans must be alert, capable of reasoning, self-motivated activity, communication power, and self-awareness, and none of these characteristics exist in the early stages of the embryo, and some do not appear until birth, so the embryo cannot be considered as a human being in the second sense. Abortion is morally permissible and not immoral. Therefore, abortion is allowed even until the last days [6]. In the moderate approach, according to the problems that exist in the definition of a moral person, it is emphasized that with the above definition, infanticide also becomes moral because they also do not have these characteristics (same). When is he not human and from this point onward is he human? In the past, the fetus was considered soulless until four months old, but today, some people are trying to investigate this issue based on medical science with criteria such as extrauterine life. Therefore, if the fetus acquires the ability to feel pain and pleasure, it can be considered a complete human being, and this issue occurs in the second trimester of pregnancy, and abortion is not allowed during this period and is immoral [6]. In the feminist approach, the fetus is not considered as an independent subject from the mother, and therefore, the mother is the only arbiter of whether or not an abortion is moral [7]. According to the four approaches expressed in the area of the ethical issue of abortion, a satisfactory analysis of them has not yet been presented to decide the issue of abortion, and according to that, what general judgment can be given in the conflicts of duties regarding abortion. In the discussion of conflicts of duties, it is necessary to deal with matters outside of the physiological discussion about the application of the fetus. Cases such as abortion are caused by rape or danger to the mother. Considering the importance of the topic of abortion in this research, it was tried to examine the issue of conflicts and moral duties in abortion by examining John Dewey's opinions about Kant's contextualism and deontology.

#### **MATERIAL AND METHODS**

The research method is the logical analysis of the opinions of these two thinkers. To conduct the research, in addition to reviewing the books related to the views of Dewey and Kant, we also paid attention to the review and study of critical articles in this regard, and the articles included in the databases of Pubmed, Civilica, Magiran and Science direct from 2000 until now, which covered

the keywords of the current research, were taken into consideration.

#### **DISCUSSION**

##### **Kant's Deontology Theory**

The term deontology is derived from the Greek word Deon, and it means to act in certain manners that are according to pre-defined principles. Duties are things that must be followed [8]. Kant's theory about deontology is based on the attitude that was developed during his period with the theory of empiricists, especially Hume. According to this situation, Kant criticized the theories that reduced ethics to passives and emotions. With his approach to practical reason, Kant was looking for the truths based on which goodwill is rooted in the pure and metaphysical foundations of ethics, and as a result, they can criticize ethics based on profit, pleasure, emotion, expediency or foresight [9]. In the same sense, Kant is looking for the metaphysics of ethics, based on which he researches the sources of practical principles that can be found in the human intellect in a priori way, and also strengthens the foundations of ethics based on it [10]. The reasons given by Kant for the independence of the foundations of ethics from experience are as follows: When we apply moral concepts as a law and generally to its cases, its value must be valid not only for humans but also for all rational beings. And not only under possible conditions, but in a necessary, absolute and clear way, that experience cannot provide such definite and necessary rules [11]. And if moral principles are taken from empirical examples, there is no place for free will in while the discussion of discretion should come from the essence of discretion, not from empirical facts [10].

Therefore, there is a difference between work that is in accordance with duty and work that is for duty. Therefore, the work is in accordance with the duty and from the moral good will [11]. "For the law to have moral force, i.e., it is based on duty, it must be combined with absolute necessity" [11] The origin of duty is indeed respect for the law because the will is good. Which is absolute good, is in accordance with the law and has appeared with the intention of violating the law. This respect for the law is the origin of the separation of the causality of will and free will from natural causality; Because all non-rational creatures are subject to the laws of nature, and only rational creatures act according to the law [11].

### Obligation in Moral Propositions

The difference between propositions in the field of theoretical reason and propositions related to practical reason according to Kant is that the word "must" is used in the aforementioned propositions. Ross has analyzed this issue as follows: 1) that this statement is accompanied by a necessity, which of course is not derived from the outside world and its origin is the human mind. Let's find the practical reason of the a priori form governing these propositions. [10]

According to Kant, there is no natural obligation in the realm of practical reason, which is discussed in ethics, because the orders of reason do not have an obligation in themselves, and if these orders do not have an obligation in the field of action, they will remain formal and in themselves and will not have a social function [11]. Accordingly, the commands of reason are bound by the absolute, which is the criterion of action and the moral law: "But how is that a law whose conception determines the will without considering its effect and result, that the act absolutely and without any Is it considered a good condition? Since I have deprived the desire of any motivation that may be given to him in following the law, nothing remains except the general compliance of his actions with the law in general, and only this compliance with the law should be the principle of the desire [11]. In the process of converting moral rules into a general law, it should be kept in mind that the moral proposition must be in the form of imperative propositions and accompanied by the word "must". In this case, the moral law with its "must" aspect will have objectivity and necessity outside. According to Kant, only absolute orders have the characteristic that they are issued by reason [11], therefore, absolute orders are orders that cause the will through itself and for itself, not for specific conditions. Therefore, the absolute command is something that every human being and every creature that has the power of reason can use it [12]. According to Kant, every obligation expresses a kind of necessity of action and has the ability to have two meanings. I must either do something as an intermediary if he wants something else as an end, or he must do something else as an end without an intermediary and make it actual. First, according to Kant, "must" does not express the obligation, but this type of "must" only expresses recommendations to adopt a procedure. If a person wants to achieve an assumed goal, he must pay attention to the true requirements, which are necessary in their own nature. In this regard, there is only one thing that is based or conditioned without any other goal that must be studied through a certain behavior, and this thing

directly commands this behavior. This has nothing to do with the subject of the verb and what results from it. Rather, it is only related to the main form from which the verb itself is necessary. This is the absolute thing that is definite and certain [13]. An example that Kant gives about the absolute is the proposition "You must be truthful". The moral rules that are chosen for moral behavior must become moral law, that is, they must become necessary and universal because they no longer require contradiction. Therefore, any moral rule that can be expressed through the absolute and without general contradiction will be a law or principle [14]. In this process, what is important is the principle that morality is not created by the mind, that is, with an authorial act, one can understand that there are certain actions that are correct. [11]

According to Kant, in order to the act of good will to be moral, it must be compatible with two criteria, one is that there is nothing that the union with the good will leads to the result of evil, and the other is that there is nothing that the union with the good will creates a set of evil. [11] Good will is unconditionally good because it is good in itself and causes other good deeds to be realized, so it acts on the basis of moral duty and fulfillment of moral duty according to the moral law. [11]

### Duty and Duty Conflicts in Moral Statements from Kant's Point of View

According to Kant, the duty is to act out of respect for the moral law, or the absolute thing [11]. The duty is not only to comply with the moral law, but it must be for the moral law [11]. Therefore, the motivation to do the duty is more important than anything else, so to perform the duty. The motive should be to do the duty, because if it is not, it will lead the human desire in any direction and damage the moral intentions. In this context, it should be noted that people's desires are beyond their control, but being moral to perform their duty is within the control of every rational being [15]. Moral duties are known through absolute commands and the principle of generalizability, i.e., "to act according to a rule that can be willed as a general law". [11] That is, according to the absolute, duties can be recognized in moral situations. Based on this, we can emphasize the principle of generalizability and the principle of ends.

Kant divides duty into the duty of right and the duty of virtue. According to Kant, some of the duties are due to the rights of others, which oblige us to do something, which actually imposes an external compulsion on us due to another right. Kant calls this type of duty the duty of right. In contrast, he placed the duty of virtue, which

is not caused by the rights of others, so there is no external or external compulsion at work, but compulsion from the individual himself as a free being. Man with free will decides to commit himself to the duties that practical reason instructs him to acquire human virtues [16]. The duty arising from the right is a duty for which external legislation is possible, but external legislation is not possible for the duty arising from virtue, because it seeks an end, which is itself a duty, but no one can set an end for himself through external legislation. slow because determining the end is an internal act of the soul [16]. Also, some of the duties belonging to the judgment are determined completely, and there are also duties that due to the limited nature of human nature, they cannot fully determine the degree and type of their implementation. The duty of total prohibition of killing clearly dictates to refrain from killing. For this duty, it is irrelevant or meaningless, in what conditions and situational coordinates, or to what extent, to abandon the killing, instead, in the unfinished task of helping others, it is basically impossible to predetermine in what order and how much this task will be carried out [17].

According to some critics of Kant's moral theory, he has gone wrong in some of his statements such as the absoluteness of moral principles [18]. Or that Kant's formalism neglected the content and Kant's concept of duty and absolute is so formal that it is often possible to fit any content into it [19]. However, despite this, Kant's ethical philosophy and the terms established by him such as the absolute, good will, obligation, etc. still apply. This is the reason why a distinction has emerged between ethics of Kant and Kant's ethics. Ethics of Kant refers to Kant's own moral writings and those moral theories that Kant put forth in his works and deduced moral conclusions, but Kantian ethics refers to moral theories after Kant, which contain the spirit of Kant's ethics [20].

### **Dewey Contextualism**

American moral philosopher John Dewey, based on the ethical principles of pragmatism and its development, created a rule called contextualism in pragmatic ethics. Contextualism deals with the mutual influence of the person and the environment in moral situations, based on which a person should make a moral decision. Decision-making in such a situation is related to the knowledge of the factors influencing that situation). Dewey states that the origin of moral and aesthetic feelings and actions is human experience, not the intuition of external realities, so values emerge only as a result of responses that people give to various environmental situations.

Contextualism, like partialism, emphasizes the immediate situation in which moral judgments are made, and it gives a role to moral rules and principles, but it is different from both; Those two are theories about true truth, but contextualism is a theory about truth that can be followed. According to this theory, most of the time, a person cannot easily find out what is actually true, so he has to choose the best option and make the best judgment with limited knowledge and understanding. For this reason, in any situation, it should be judged according to its specific coordinates. When an action implies following a rule, it is because of such an idea that that context requires following the said rule, not that the rule is the priority in decision-making, thus it is necessary to know the effectiveness of a principle and what that principle is. It requires an action; it does not exclude a person's decision. Finally, the person himself must decide whether what the aforementioned principle requires is true in a traceable way or not. In this way, contextualism is a kind of ethics based on virtue and deeds; It is both value-oriented and derives from an action that is correct in a way that can be traced; It has value in itself and it is considered a means for the right action in the future, and this is the rejection of decisive dualities. For this reason, contextualism cannot be considered result-oriented because immediate results are measured in the overall assessment of the situation [21]. In ethics, "current and urgent duties" have always been considered by Dewey. These types of tasks are defined under the environmental conditions that Dewey considers. According to him, the environment is not just a natural environment. This is also a cultural environment and includes the relationship between man and his social environment, which is the most important from the moral point of view [22].

The factors that make up the environment are conditions that have an effect on the personal needs, desires, talents of the individual in creating the experience and even the goals of the individual [23]. Perhaps this is the influence that causes the multiplicity of individual goals and prevents considering only one ultimate goal for mankind.

"Dewey is not just talking about finding better means to pre-existing ends (what Habermas calls means-end rationality, or what Kant calls conditional commands). Dewey is really talking about learning how to "Increasing the amount of good in life speaks through testing and discussion" [24]. Increasing the amount of good in life depends on making the right decision in a certain situation, which is called a moral situation.

Dewey believes that moral principles such as the principle of chastity, the principle of justice, or the golden rule only provide a person with some headings to use them to check the relationship of his desires and goals with the situation and save his thinking from this passage, and the moral principles of judgment. They are not for choices, but they are a means of analyzing a particular situation. The correctness or incorrectness of the action is determined by the totality of the situation, not the rules by themselves [25]. Moral status has several comprehensive features:

- 1) Encountering the rules, traditions and customs of the society in any practical situation
- 2) Emergence of other rules, responsibilities and duties associated with them following the specific roles that the person plays.
- 3) Existence of rules in addition to social rules and rules representing special tasks resulting from different roles of a person [21].

The concept and content of virtues and values change over time. But what remains constant is its abstract form, that is, the individual's opinion about goodness. When institutions and customs change and natural abilities are stimulated in a different way, goals change and personality habits are evaluated in a different way by the moral agent himself as well as others who sit to judge [26]. The situation of moral dilemma is the reason for research and reflection. After this research, an ethical judgment is issued that a plan or guideline for action is possible. A person's commitment to a moral principle is a declaration of readiness to act in certain ways in certain circumstances. Of course, this thought towards action does not necessarily lead to action. This ruling is a guideline for possible action. The critical role of philosophy is manifested when the philosopher examines the accepted values and ideals of a certain society with an eye on its consequences. In addition to this role, the philosopher can try to resolve the conflicts between values and ideals that arise in a society by guiding them towards new possibilities, thus turning uncertain or complicated situations into definite situations in the cultural environment, and this is the same role. It is the creator of the philosopher and the practicality of philosophy. Value judgment is the final limit of a research process that is triggered by a difficult situation. Thus, the concept of value is closely related to the situation. The concept of value corresponds to the needs and requirements of the situation, that is, meeting the needs of a certain complex situation regarding its transformation or reconstruction. This judgment is empirically researchable [22].

### **Analysis of Contextualism and Deontology of Abortion**

In the discussion of abortion, the issue of responsibility is important, which in the perspective of contextualism, the involvement of a person with the environmental conditions is a moral act, and in the perspective of Kant's duty, it intersects with duty. According to Kant, duty is the necessity of acting out of respect for the law [11]. The moral law is an absolute thing, meaning "obligation towards oneself and others" and "complete and incomplete obligation". In this context, it is possible to pay attention to the responsibility of women regarding the protection of their nature. According to Kant, self-respect as a rational being is combined with the human animal nature and causes the emergence of a view on abortion because it is the main issue of the woman to form her feelings and character. Therefore, sometimes and under certain conditions, abortion can be allowed and even sometimes it can be ruled as necessary. This comes from Kant's "duties to oneself" [27]. Duties in which sometimes man is considered an animal (natural) and at the same time moral being, and sometimes only a moral being [16]. According to Kant, a person must first fulfill his duties towards himself, because failure to do them takes all the value of a person from him. Pay attention to gender, ability to conceive again, and feelings. For this reason, all of Kant's argument about duties leads to the principle of humanity, which is the concept of the second form of the absolute. [27] But if a fetus is considered as a human being, then abortion can be considered an immoral act. In this view, the focus of attention on the issue of abortion is the definition and meaning of the fetus, i.e., whether the fetus is human or has the potential to become human. In Kant's definition of man, he emphasized the characteristic of man being wise. In Kant's view, man is a kind of man, not individual people, so a crazy and mentally disabled person is not out of the scope of being a human being. Kant's meaning of respect for human beings is respect for the human species, which is a rational being, so it is possible that the fetus also includes the definition of a human being, and abortion is considered immoral by Kant. The issue can also be viewed in this way that Kant does not consider the fetus to be a human because although the fetus has the potential to become a human being, it cannot be considered a human being. Kant's distinction between "person" and "non-person" can be used in this case, because according to Kant, man in its moral sense is a person, a person who has reason and whose function is rationality, and since the fetus has not reached a stage where it can be said that it thinks, so the fetus cannot be

referred to as a person. According to Kant, the stage of feeling and receiving experience is the first stage of reason, and since the embryo has not reached such a stage, it is not possible to imagine the stages of knowledge for him [11]. In contextualism, it can be said that the decision about whether the fetus is a person or not is a moral decision that must be made with moral reasons, the decision in the case that the fetus at the time of conception, or when vital signs such as kicking, or It is a person at birth, and therefore killing it is considered a completely moral decision, and therefore a moral reason must be given for it. Therefore, it is necessary to pay attention to a type of moral reasoning that Dewey deals with: "One should act with others in such a way that if they did the same to us, it would bring the greatest amount of rightness that could be pursued." It is follow-up and we are born, we should not end any pregnancy. That is, if the fetus produces the truth that can be followed by surviving, then abortion is immoral.

In the discussion of the principle of generalizability in abortion, it is possible to refer to propositions such as "Abort because the fetus has some kind of complication and disease and is born incomplete" and "If you are in a situation where you have a child unintentionally and physically, You have a disordered material and mental condition, have an abortion" in the first case, abortion is not in conflict with the principle of the survival of the generation, but in the second statement it is in conflict with the principle of the survival of the generation, but differences can be made regarding the physical, material and psychological reasons, but In general, this issue is in conflict with the principle of the survival of the generation that Kant emphasizes. Therefore, if only the principle of generalizability is considered, it is different from the attitude that is obtained based on the two principles of duties towards oneself and the principle of humanity. Now, if the two propositions "if the mother does not die during childbirth and is not harmed" and "if the born fetus does not have defects" are taken into consideration, will abortion be ethical? Based on these propositions, a general verdict against abortion cannot be given, and it will only be moral in specific and particular cases [28]. According to the duty theory, the right to life is something that cannot be transferred. The right to life creates two duties: the duty of non-interference means that no one has the right to interfere in another person's life and endanger it. The second is the

duty of a servant, which means the duties of those who are responsible for our lives, such as doctors [29]. One of the characteristics of deontology in Kant is the principle of generalizability, its function in this case can be stated as follows: a person has become pregnant due to rape or unwanted, if this person can will in a non-contradictory way, this decision is in the field of discussion. Morality, made into a law and applied equally to all people, can choose to have an abortion. This argument can be correct if the fetus does not have intrinsic value for itself, but if at some stages of development, the fetus has intrinsic value and moral dignity, then the right of a woman to bear a child will conflict with the right to life of the fetus. A deontology-based argument is not enough for abortion.

## CONCLUSION

Based on the analysis of Dewey's theory of contextualism and Kant's deontology-based approach to the issue of abortion, the following results were obtained: Dewey's contextualism has the ability to use Kantian deontology-oriented rules and principles to analyze moral conflicts such as abortion and to obtain prescriptions for action in situations. The most important approach to the issue of abortion is to pay attention to the issue of mother and fetus. While discussing about the mother, we can emphasize the general principles of duty towards oneself and it is a moral issue regarding one's duties regarding the right to life, dignity and humanity. But in the discussion of the fetus, the most important topic is the discussion of "person" and its application to the fetus. Whether this issue will be in conflict with the discussion of the survival of the species or not. Therefore, this issue is a moral decision that requires moral reasons, a reason that can be followed for the issue of abortion. Therefore, abortion is a matter related to a personal moral decision and cannot be answered based on legal, cultural and political attitudes.

## Ethical Consideration

Ethical issues (such as plagiarism, conscious satisfaction, misleading, making and or forging data, publishing or sending to two places, redundancy and etc.) have been fully considered by the writers.

## Conflict of Interest

The authors declare that there is no conflict of interests.

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